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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,129	03/11/2004	Raj Bridgelall	022.0029 (1631)	7093
29906	7590	04/04/2006	EXAMINER	
INGRASSIA FISHER & LORENZ, P.C.			HOLLOWAY III, EDWIN C	
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SCOTTSDALE, AZ 85251			ART UNIT	PAPER NUMBER
			2612	

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/799,129

Applicant(s)

BRIDGELALL ET AL.

Examiner

Edwin C. Holloway, III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☒ Claim(s) 8,9 and 18-22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

EXAMINER'S RESPONSE

1. In response to the application filed 3-11-04, the application has been examined. The examiner has considered the presentation of claims in view of the disclosure and the present state of the prior art. And it is the examiner's opinion that the claims are unpatentable for the reasons set forth in this Office action:

Claim Objections

2. Claims 8-9, 18-22 are objected to because of the following informalities: Claim 8 refers to "the RFDID transceiver," but claim 1 recites a reader not a transceiver. Claim 9 refers to "the hermetically sealed box," but claim 8 includes a container not a box. Claim 18 depends from claim 16 but refers to "the moveable section" of claim 17. Claim 19 depends from claim 16 but refers to "the one or more RFID antennas" of claim 18 and "the moveable section" of claim 17. Claim 20 depends from claim 16 but refers to "the one or more RFID antennas" of claim 18. Claim 21 refers to "the hermetically sealed box," but claim 20 includes a container not a box. Claim 22 depends from claim 16 but refers to "the one or more RFID antennas" of claim 18. Appropriate correction is required.

Claim Rejections - 35 USC § 102 & 103

3. The following is a quotation of the appropriate paragraphs

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of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior

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art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1, 6-7, 10-12, 14-15, 16-19, 22-24 and 26-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Forster '376 (US 20040106376A1).

Regarding claim 1, Forster '376 discloses an inventory transport device 40 with an RFID reader 20 mounted on movable section 44 and RFID power device 49 mounted on fixed section 42 to provide contactless power to the reader in paragraphs 0032-0036. Regarding claim 16, Forester '376 includes an RFID interrogation reader 20 with a RFID transceiver 24 and power source 30 to store energy received from a contactless power source 49 in paragraphs 0030 and 0040. Regarding claims 6-7 and 18-19 the reader antenna array 29 includes antennas 28 on movable section 44 that is an L-shaped arm or fork in paragraphs 0033 and 0035. Regarding claims 10 and 20, paragraph 0033 of Forster '376 incorporates by reference SN 09810858 that included

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an antenna switch 60 in fig. 5 shown in publication US 20020130817A1. Regarding claims 11 and 23 the transport device is a forklift 40 in paragraph 0032. Regarding claims 12, 14-15, 24, and 26-27, power device provided power via inductive power transfer and is coupled to an external power such as the forklift truck battery in paragraph 0037.

7. Claims 2-3, 13 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Forster '376 (US 20040106376A1) as applied above in combination with Cybulski (US 6669089B2).

Forster '376 includes a reporting system with user interface in paragraph 0044 but does not specify mounting in the vehicle.

Cybulski discloses a forklift with user terminal 500 in the fixed section of the vehicle to accept user input to control the reader and the movable section in col. 10 line 66 - col. 11 line 20. Wireless communication is included in col. 10 lines 15-35.

Regarding claim 2, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included Forster '375 the user terminal mounted in the forklift as disclosed in Cybulski to allow convenient control by the forklift operator. Regarding claim 3, wireless communication would have been obvious in view of the wireless communication in

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col. 10 lines 29-30 of Cybulski and suggested by paragraph 0007 of Forster '376 to prevent drag and/or avoid damage. Regarding claims 13 and 25, internal power for the inductive link would have been obvious because Forster '376 disclosing in paragraph 0037 that the inductive power may be provided by other source and another source may be internal in view of interrogation reader 20 including an internal source 30 supplying power for inductive transfer to a tag in paragraph 0029 of Forster '376 and Cybulski disclosing readers on both the movable and fixed sections in col. 9 so that the fixed portion would have been an obvious location for an internal source for the purpose of supplying power.

8. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Forster '376 (US 20040106376A1) and Cybulski (US 6669089B2) as applied above in combination with Mahany (US 5682679).

Mahany discloses a forklift with short range wireless LAN communication protocol for increased efficiency in power management and compensation for transmission collisions. See the abstract and col. 5.

Regarding claims 4-5, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in the combination applied above short range

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wireless LAN communication protocol as disclosed in Mahany for increased efficiency in power management and compensation for transmission collisions and is at least suggested by paragraph 0045 of Forster '376 referring to other networking communications.

9. Claims 8-9 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Forster '376 (US 20040106376A1) as applied above in combination with Lee (US 6307517B1).

Lee discloses a hermetically sealed RFID reader in col. 6 that would have been obvious in Forster '375 for protection from the environment and suggested by paragraph 0007 of Forster '376 referring to environmental damage.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Schuermann (US 5053774) discloses a reader with power recharged by inductive transfer from a base, Nakamura (US005113349A), Riding (US006983883B2) and Andersen (US 20040102869A1) disclose forklifts with RFID inventory and Cuperus US 20040099744A1) discloses a hermetically sealed RFID readers.

CONTACT INFORMATION

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact an Electronic Business Center (EBC) representatives at 703-305-3028 or toll free at 866-217-9197 between the hours of 6 a.m. and midnight Monday through Friday EST, or by e-mail at ebc@uspto.gov. The Patent EBC is a complete customer service center that supports all Patent e-business products and service applications. Additional information is available on the Patent EBC Web site at <http://www.uspto.gov/ebc/index.html>.


Any inquiry of a general nature should be directed to the Technology Center 2600 receptionist at (571) 272-2600.

Facsimile submissions may be sent via central fax number 571-273-8300 to customer service for entry by technical support staff. Questions related to the operation of the facsimile system should be directed to the Electronic Business Center at (866) 217-9197. On July 15, 2005, the Central FAX Number will change to.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin C. Holloway, III whose telephone number is (571) 272-3058. The examiner can normally be reached on M-F (8:30-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (571) 272-3068.

EH
4/3/06


EDWIN C. HOLLOWAY, III
PRIMARY EXAMINER
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